



House of Representatives

General Assembly

File No. 477

February Session, 2014

Substitute House Bill No. 5562

House of Representatives, April 9, 2014

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) Not later than January 1, 2015, the
2 Department of Education shall add "SLD - Dyslexia" under "Specific
3 Learning Disabilities" in the "Primary Disability" section of the
4 individualized education program form used by planning and
5 placement teams for the provision of special education and related
6 services to children requiring special education and related services.

7 Sec. 2. Subsection (f) of section 10-145a of the 2014 supplement to
8 the general statutes is repealed and the following is substituted in lieu
9 thereof (*Effective July 1, 2014*):

10 (f) On and after July 1, 2006, any program of teacher preparation
11 leading to professional certification shall include, as part of the
12 curriculum, instruction in literacy skills and processes that reflects
13 current research and best practices in the field of literacy training. Such

14 instruction shall (1) be incorporated into requirements of student major
15 and concentration, and (2) on and after July 1, 2015, include the
16 detection and recognition of, and appropriate interventions for,
17 students with dyslexia.

18 Sec. 3. Subparagraph (D) of subdivision (8) of subsection (a) of
19 section 10-76d of the 2014 supplement to the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective from*
21 *passage*):

22 (D) Immediately upon the formal identification of any child as a
23 child requiring special education and at each planning and placement
24 team meeting for such child, the responsible local or regional board of
25 education shall inform the parent or guardian of such child or
26 surrogate parent or, in the case of a pupil who is an emancipated
27 minor or eighteen years of age or older, the pupil of (i) the laws
28 relating to special education, (ii) the rights of such parent, guardian,
29 surrogate parent or pupil under such laws and the regulations adopted
30 by the State Board of Education relating to special education, including
31 the right of a parent, guardian or surrogate parent to withhold from
32 enrolling such child in kindergarten, in accordance with the provisions
33 of section 10-184, and (iii) any relevant information and resources
34 relating to individualized education programs created by the
35 Department of Education. If such parent, guardian, surrogate parent or
36 pupil does not attend a planning and placement team meeting, the
37 responsible local or regional board of education shall mail such
38 information to such person.

39 Sec. 4. Subsection (b) of section 10-76g of the 2014 supplement to the
40 general statutes is repealed and the following is substituted in lieu
41 thereof (*Effective July 1, 2014*):

42 (b) Any local or regional board of education which provides special
43 education pursuant to the provisions of sections 10-76a to 10-76g,
44 inclusive, for any exceptional child described in subparagraph (A) of
45 subdivision (5) of section 10-76a, under its jurisdiction, excluding (1)
46 children placed by a state agency for whom a board of education

47 receives payment pursuant to the provisions of subdivision (2) of
48 subsection (e) of section 10-76d, and (2) children who require special
49 education, who reside on state-owned or leased property, and who are
50 not the educational responsibility of the unified school districts
51 established pursuant to sections 17a-37, 17a-240 and 18-99a, shall be
52 financially responsible for the reasonable costs of special education
53 instruction, as defined in the regulations of the State Board of
54 Education, in an amount equal to (A) for any fiscal year commencing
55 prior to July 1, 2005, five times the average per pupil educational costs
56 of such board of education for the prior fiscal year, determined in
57 accordance with the provisions of subsection (a) of section 10-76f, [and]
58 (B) for the fiscal [year] years commencing July 1, 2005, [and each fiscal
59 year thereafter] to July 1, 2013, inclusive, four and one-half times such
60 average per pupil educational costs of such board of education, [The]
61 and (C) for the fiscal year commencing July 1, 2014, and each fiscal
62 year thereafter, (i) ten per cent of the per pupil costs that are equal to
63 or in excess of four and one-half times such average per pupil
64 educational costs of such board of education, (ii) forty per cent of the
65 per pupil costs that are equal to or in excess of three times such
66 average per pupil educational costs of such board of education, but are
67 less than four and one-half times such average per pupil educational
68 costs of such board of education, and (iii) seventy per cent of the per
69 pupil costs that are equal to or in excess of one and one-half times such
70 average per pupil educational costs of such board of education, but are
71 less than three times such average per pupil educational costs of such
72 board of education. For the fiscal year commencing July 1, 2014, and
73 each fiscal year thereafter, the State Board of Education shall pay on a
74 current basis any costs in excess of the local or regional board's basic
75 contribution, paid by such board in accordance with the provisions of
76 subparagraph (C) of subdivision (2) of this subsection, as follows: (I)
77 Ninety per cent of the per pupil costs that are equal to or in excess of
78 four and one-half times such average per pupil educational costs of
79 such board of education, (II) sixty per cent of the per pupil costs that
80 are equal to or in excess of three times such average per pupil
81 educational costs of such board of education, but are less than four and

82 one-half times such average per pupil educational costs of such board
 83 of education, and (III) thirty per cent of the per pupil costs that are
 84 equal to or in excess of one and one-half times such average per pupil
 85 educational costs of such board of education, but are less than three
 86 times such average per pupil educational costs of such board of
 87 education. Any amounts paid by the State Board of Education on a
 88 current basis pursuant to this subsection shall not be reimbursable in
 89 the subsequent year. Application for such grant shall be made by filing
 90 with the Department of Education, in such manner as prescribed by
 91 the commissioner, annually on or before December first a statement of
 92 the cost of providing special education pursuant to this subsection,
 93 provided a board of education may submit, not later than March first,
 94 claims for additional children or costs not included in the December
 95 filing. Payment by the state for such excess costs shall be made to the
 96 local or regional board of education as follows: Seventy-five per cent of
 97 the cost in February and the balance in May. The amount due each
 98 town pursuant to the provisions of this subsection shall be paid to the
 99 treasurer of each town entitled to such aid, provided the treasurer shall
 100 treat such grant, or a portion of the grant, which relates to special
 101 education expenditures incurred in excess of such town's board of
 102 education budgeted estimate of such expenditures, as a reduction in
 103 expenditures by crediting such expenditure account, rather than town
 104 revenue. Such expenditure account shall be so credited no later than
 105 thirty days after receipt by the treasurer of necessary documentation
 106 from the board of education indicating the amount of such special
 107 education expenditures incurred in excess of such town's board of
 108 education budgeted estimate of such expenditures.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2014</i>	10-145a(f)
Sec. 3	<i>from passage</i>	10-76d(a)(8)(D)
Sec. 4	<i>July 1, 2014</i>	10-76g(b)

ED

Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Board of Regents for Higher Education; UConn	GF - Cost	40,000	None
Education, Dept.	GF - Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Local and Regional School Districts	Revenue Gain/Revenue Loss	See Below	See Below
Various Local and Regional School Districts	Cost	Potential	Potential

Explanation

Section 1 requires the State Department of Education (SDE) to add dyslexia to the individualized education program (IEP) form that planning and placement teams use to provide special education and related services to special education students. This conforms to the federal IDEA definition of "specific learning disability." This could result in a minimal cost, of less than \$1,000 to SDE, for re-printing the IEP forms. Additionally, this could result in a potential cost to local and regional school districts as more students may be identified as needing special education services.

Section 2 requires that beginning July 1, 2015 all teacher preparation programs that lead to professional teacher certification must include detection and recognition of, and appropriate interventions for, students with dyslexia. This results in a one-time cost of \$40,000 in FY 15 to both the Board of Regents for Higher Education and the

University of Connecticut. The costs are due to faculty release time for curriculum and faculty development associated with including the detection and recognition of, and appropriate interventions for, students with dyslexia in teacher preparation programs.

Section 3 makes a clarifying change to special education laws and does not result in a fiscal impact.

Section 4 changes the method for the state funding assistance for the special education excess cost grant to local boards of education. The bill provides a tiered approach where districts would receive special education grants at various cost thresholds with the state providing a greater share of funds as the special education cost of a student increases. Since the Excess Cost grant is currently capped at \$139.8 million, there would be no increased cost to the state in FY 15. However, if the bill were passed there would be a redistribution of state dollars, based on the new tiered approach. If the grant were to be uncapped, a significant cost could be incurred by the state, as more students would qualify for the grant. Since SDE does not currently collect data on these students, the scope of the new cost is indeterminate.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5562*****AN ACT CONCERNING SPECIAL EDUCATION.*****SUMMARY:**

This bill creates a new state formula to reimburse school districts on a sliding scale for above-average special education costs for individual students so that, as the cost of educating the student reaches higher thresholds, the state pays a greater share of the cost.

The bill also requires that (1) dyslexia be added to the special education individualized education program (IEP) form as a separate category and (2) instruction in dyslexia be added to teacher preparation programs that lead to a professional teacher certification.

It also requires boards of education to notify parents or guardians of preschool special education students who reach age 5 or age 6 of their legal right to hold the child back from entering kindergarten for a year.

EFFECTIVE DATE: Upon passage for the provisions regarding dyslexia on the IEP form and notification of parental rights and July 1, 2014 for the provisions regarding the dyslexia and teacher preparation and the excess cost grant formula.

§ 4 — NEW SPECIAL EDUCATION EXCESS COST GRANT FORMULA

The bill creates a new state formula to reimburse school districts for above-average special education costs for individual students. Currently, the state gives districts grants for any cost of special education for a student that exceeds four and half times the district's average per-pupil educational costs for the prior year. (Often these grants are capped by a separate statutory provision due to budget constraints.) All costs below the four and a half times threshold are

borne by the local district.

The bill establishes a sliding scale reimbursement formula where districts receive special education grants at various cost thresholds with the state providing a higher reimbursement as a student's special education cost increases as shown in Table 1.

Table 1: State Special Education Excess Cost Grant under Current Law and the Bill

Cost Threshold (expressed as a multiple of average district per-pupil expenditure)	Current Law (% applies to amount above threshold)		The Bill (% applies to amount above threshold)	
	Local Share	State Share	Local Share	State Share
Less than 1.5 times	100%	0	100%	0
At least 1.5 times but less than 3 times	100%	0	70%	30%
At least 3 times but less than 4.5 times	100%	0	40%	60%
At least 4.5 times	0*	100%*	10%	90%

*Unless capped

§ 1 — DYSLEXIA ON THE IEP FORM

The bill requires the State Department of Education (SDE) to add dyslexia to the standard individualized education program (IEP) form that planning and placement teams must use to describe the special education and related services to a special education student needs. Specifically, by January 1, 2015, SDE must add "SLD – Dyslexia" under the "specific learning disabilities" heading in the "primary disability" section of the IEP form. Dyslexia is a reading disability often characterized as difficulty in decoding letters and words. Dyslexia is currently covered by the state and federal special education laws but does not appear on the IEP form.

Current law is silent regarding what must be included on the IEP form, but state regulations require all districts use a standardized form that the State Board of Education (SBE) approves.

The federal Individuals with Disabilities Education Act (IDEA) requires school districts provide appropriate educational services to

students with disabilities (see BACKGROUND).

§ 2 — DYSLEXIA INSTRUCTION IN TEACHER PREPARATION PROGRAMS

The bill requires that, beginning July 1, 2015, all teacher preparation programs that lead to professional teacher certification must include instruction on detection and recognition of, and appropriate interventions for, students with dyslexia. By law, these teacher preparation programs must already include instruction on literacy skills and best practices in the field of literacy training.

§ 3 — PRESCHOOL SPECIAL EDUCATION STUDENTS AND KINDERGARTEN

By law, a local or regional board of education must, whenever a child has been identified as requiring special education, immediately inform parents or guardians of the laws relating to special education and of their rights under those laws. The bill requires the information to include explicit notice of a parent's or guardian's right, under existing law, to withhold a child age (1) five from enrolling in kindergarten until age six and (2) six from enrolling until age seven.

BACKGROUND

IDEA and IEPs

Under IDEA (20 USC 1400 et seq.), the term IEP means a written statement for each child with a disability that details the child's academic achievement level, sets goals for future achievement, and details the specialized educational services the child needs to reach the goals. As with other states, Connecticut's special education laws (CGS §§ 10-76a to 10-76h) must conform with the federal law.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 1 (03/21/2014)